

FORM PTO-1390 (Modified)  
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

**0660-0165-0X PCT**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR  
**09/462,480**

INTERNATIONAL APPLICATION NO.  
**PCT/IB98/01091**

INTERNATIONAL FILING DATE  
**16 JULY 1998**

PRIORITY DATE CLAIMED  
**16 JULY 1997**

**TITLE OF INVENTION**  
**A POLYNUCLEOTIDE FUNCTIONALLY CODING FOR THE LHP PROTEIN FROM**  
**MYCOBACTERIUM TUBERCULOSIS, ITS BIOLOGICALLY ACTIVE DERIVATIVE FRAGMENTS,**  
**AS WELL AS METHODS USING THE SAME**

**APPLICANT(S) FOR DO/EO/US**

**Brigitte GICQUEL, et al.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☐ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ A copy of the International Search Report (PCT/ISA/210).
8. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

**Items 13 to 18 below concern document(s) or information included:**

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.  
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☐ Certificate of Mailing by Express Mail
19. ☐ Other items or information:

**Submission of Declaration under 37 CFR 1.495**

03/16/2000 09:46:40 764.00 DP 01 FC:190

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR <b>09/462,480</b>	INTERNATIONAL APPLICATION NO. <b>PCT/IB98/01091</b>	ATTORNEY'S DOCKET NUMBER <b>0660-0165-0X PCT</b>
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20. The following fees are submitted.:

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5)):-**

- |  |                 |
|--|-----------------|
| <input type="checkbox"/> Search Report has been prepared by the EPO or JPO .....   | <b>\$840.00</b> |
| <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) .....  | <b>\$670.00</b> |
| <input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... | <b>\$760.00</b> |
| <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO .....          | <b>\$970.00</b> |
| <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) .....       | <b>\$96.00</b>  |

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

**CALCULATIONS PTO USE ONLY**

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	51 - 20 =	31	x \$22.00	<b>\$682.00</b>	
Independent claims	4 - 3 =	1	x \$82.00	<b>\$82.00</b>	
Multiple Dependent Claims (check if applicable). <input type="checkbox"/>				<b>\$0.00</b>	

**TOTAL OF ABOVE CALCULATIONS =**

**\$764.00**

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). ☐

**\$0.00**

**SUBTOTAL =**

**\$764.00**

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

**\$0.00**

**TOTAL NATIONAL FEE =**

**\$764.00**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). ☐

**\$0.00**

**TOTAL FEES ENCLOSED =**

**\$764.00**

Amount to be: refunded	\$
charged	\$

- ☒ A check in the amount of **\$764.00** to cover the above fees is enclosed.
- ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **15-0030** A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

**OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.**  
1755 Jefferson Davis Highway, Fourth Floor  
Crystal Square Five  
Arlington, Virginia 22202  
703-413-3000

**WILLIAM E. BEAUMONT**  
**REGISTRATION NUMBER 30,996**



SIGNATURE

**Norman F. Oblon**

NAME

**24,618**

REGISTRATION NUMBER

**March 6, 2000**

DATE

DOCKET NO. 0660-0165-0X PCT

IN RE APPLICATION OF: Brigitte GICQUEL, et al.

SERIAL NO.: 09/462,480

FILED: 18 January 2000

FOR: A POLYNUCLEOTIDE FUNCTIONALLY CODING FOR THE LHP PROTEIN FROM MYCOBACTERIUM TUBERCULOSIS, ITS BIOLOGICALLY ACTIVE DERIVATIVE FRAGMENTS, AS WELL AS METHODS USING THE SAME

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required.
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement previously submitted.
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement submitted herewith.
- ☒ Additional documents filed herewith: PCT Transmittal Letter/Declaration/Preliminary Amendment  
Check for \$764.00

The fee has been calculated as shown below.

THE FEE HAS BEEN CALCULATED AS FOLLOWS:


(Col. 1)		(Col. 2)		(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	CLAIMS REMAINING AFTER		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		ADDITIONAL FEE		ADDITIONAL FEE
TOTAL	* 51	MINUS	** 51	= 0	X9 =	\$	X18 =	\$ .00
INDEP	* 4	MINUS	*** 4	= 0	X39 =	\$	X78 =	\$ .00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+130=	\$	+260=	\$
TOTAL						\$	TOTAL	\$ .00

A check in the amount of \$\_\_\_\_\_ is attached.

XX Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

XX If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

  
Norman F. Oblon  
Attorney of Record  
Registration No. 24,618  
William E. Beaumont  
Registration No. 30,996

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1755 Jefferson Davis Highway  
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\*If the entry in Column 2 is less than the entry in Column 1 write "0" in Column 3.  
\*\*If the "Highest Number Previously paid for" IN THIS SPACE is less than 20 write "20" in this space.  
\*\*\*If the "Highest Number Previously paid for" IN THIS SPACE is less than 3 write "3" in this space.

DOCKET NO. .0660-0165-0X PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Brigitte GICQUEL, et al.

SERIAL NUMBER: 09/462,480

FILED: 18 January 2000

FOR: A POLYNUCLEOTIDE FUNCTIONALLY CODING FOR THE LHP  
PROTEIN FROM MYCOBACTERIUM TUBERCULOSIS, ITS BIOLOGICALLY  
ACTIVE DERIVATIVE FRAGMENTS, AS WELL AS METHODS USING THE SAME

**SUBMISSION OF DECLARATION UNDER 37 CFR 1.495**

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

In accordance with the provisions of 37 CFR 1.495 Applicants submits herewith a Rule  
63 Declaration.

The required fee was paid at the time of filing the application.

In light of the foregoing, this application has now met all the requirements under 35  
U.S.C. 371 for entering the national stage. An early receipt of the Notification of Acceptance  
is hereby earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



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William E. Beaumont  
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